UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:24-cy-198-FDW

MICHAEL LAMAR GAINES,)	
Plaintiff,)	
vs.)	
IREDELL COUNTY SHERIFF'S DEPARTMENT,)))	ORDER
Defendant.)	
)	

THIS MATTER is before the Court sua sponte.

The pro se Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983 while he was incarcerated at the Iredell County Detention Center ("ICDC"). [Doc. 1]. At the commencement of the action, the Plaintiff was instructed that he must keep the Court apprised of his current address at all times by promptly filing a "Notice of Change of Address" with the Court, and that the failure to do so may result in the case's dismissal for lack of prosecution. [See Standing Order of Instructions].

On January 6, 2025, mail addressed to the Plaintiff at his address of record at ICDC was returned as undeliverable. [Doc. 7]. On January 14, 2025, the Court ordered the Plaintiff, within 14 days, to update his address of record and inform the Court whether he intends to proceed with this action. [Doc. 8]. The Plaintiff was cautioned that, "[i]f Plaintiff fails to do so, this case will be dismissed without prejudice and closed without further notice." [Id. at 2].

The Plaintiff has not complied with the Court's January 14 Order and the time to do so has expired. The Plaintiff appears to have abandoned this action and the Court is unable to proceed.

This case will therefore be dismissed without prejudice. <u>See</u> Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); <u>Link v. Wabash R.R. Co.</u>, 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for sua sponte dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that this action is **DISMISSED WITHOUT**PREJUDICE.

IT IS SO ORDERED.

Signed: February 13, 2025

Frank D. Whitney

Senior United States District Judge